

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,) **Case No. 3:17-mj-00171-BK**
) **(Merged into 3:17-cr-169-B-1)**
Plaintiff,)
) Dallas, Texas
v.) March 13, 2017
) 2:00 p.m.
SAID AZZAM MOHAMAD RAHIM,)
) PRELIMINARY HEARING
Defendant.) DETENTION HEARING
)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RENEE HARRIS TOLIVER,
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

For the Government: Errin Martin
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Proceedings recorded by electronic sound recording;
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1 DALLAS, TEXAS - MARCH 13, 2017 - 2:37 P.M.

2 THE COURT: The Court next calls Case No. 3:17-mj-
3 171-BK, United States of America versus Said Azzam Mohamad
4 Rahim.

5 MS. MARTIN: Errin Martin for the Government, Your
6 Honor.

7 THE COURT: Good afternoon.

8 MR. WHALEN: James Whalen standing by, Your Honor.

9 THE COURT: Sir.
10 Good afternoon, sir.

11 THE DEFENDANT: Good afternoon.

12 THE COURT: And today you're not appearing with a
13 retained attorney. So is it my understanding you were unable
14 to retain an attorney?

15 THE DEFENDANT: No. Things went through, wasn't
16 through as I planned, so I would like to --

17 THE COURT: You would like a court-appointed
18 attorney?

19 THE DEFENDANT: Yes, Your Honor. --

20 THE COURT: Let me show you the --

21 THE DEFENDANT: We've no --

22 THE COURT: -- the financial affidavit I received in
23 your case. It appears you completed it and signed it at the
24 bottom. Is that your signature?

25 THE DEFENDANT: Last week. Yes. Yes.

1 THE COURT: And do you swear or affirm that the
2 information in the financial affidavit is true?

3 THE DEFENDANT: Yes, it's true.

4 THE COURT: Based on your financial affidavit, I do
5 find that you qualify for the appointment of an attorney.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: And I'm going to appoint Mr. Whalen to
8 represent you.

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Now, I also believe that you might be
11 able to contribute to the cost of providing you an attorney.
12 That will be dependent on the issue of whether or not you are
13 detained, because the Government has filed a motion to detain
14 you. So I will consider that after I have determined whether
15 or not you will be detained. Okay?

16 And so, Mr. Whalen, I know you're in a situation because
17 you were just appointed. But, of course, we were scheduled
18 for detention and preliminary hearings today. What's your
19 position regarding having those hearings today?

20 MR. WHALEN: Your Honor, we would request, for good
21 cause, that the hearings be continued to Wednesday.

22 THE COURT: Wednesday?

23 MR. WHALEN: And we'd be prepared for Wednesday, Your
24 Honor.

25 THE COURT: Okay. Well, I believe that having an

1 attorney and having an attorney who's prepared to go to your
2 hearing constitutes good cause, and so I am going to continue
3 the hearings until Wednesday.

4 And you know the situation regarding Pretrial.

5 MR. WHALEN: I do, Your Honor. Yes.

6 THE COURT: Okay.

7 MR. WHALEN: And Your Honor, I did speak to Pretrial
8 and we're going to be able to address that probably Wednesday
9 morning --

10 THE COURT: Okay.

11 MR. WHALEN: -- when they bring him back over.

12 THE COURT: Okay.

13 MR. WHALEN: And also, for the record, I did speak to
14 Mr. Rahim. He understands the continuance and is in agreement
15 with continuing the hearing until Wednesday.

16 THE COURT: Okay. Well, Mr. Rahim, we are going to
17 continue the detention and preliminary hearings in your case,
18 then, until this Wednesday, March 15th. And you're going to
19 remain in custody again, sir, until -- at least until that
20 time. Okay.

21 MR. WHALEN: 2:00 o'clock, Your Honor?

22 THE COURT: 2:00 o'clock.

23 MR. WHALEN: Okay. Thank you, Your Honor.

24 THE COURT: Okay. The attorneys are excused. And
25 you are remanded back to the custody of the U.S. Marshals,

1 sir.

2 (Proceedings concluded at 2:40 p.m.)

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CERTIFICATE

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I certify that the foregoing is a correct transcript from
the digital sound recording of the proceedings in the above-
entitled matter.

22

/s/ Kathy Rehling

01/16/2020

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Kathy Rehling, CETD-444
Certified Electronic Court Transcriber

Date

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